

By: Morrison

H.B. No. 3089

A BILL TO BE ENTITLED

AN ACT

relating to the designation of a common area for on-premise consumption by a holder of certain alcoholic beverage permits and licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 82 to read as follows:

CHAPTER 82. MANUFACTURER'S COMMON TASTING AREA

Sec. 82.001. APPLICABILITY. This chapter applies only to a person:

(1) who holds more than one type of permit or license issued under Chapter 12, 14, 16, or 62; and

(2) two or more of whose permitted or licensed premises are located at the same address or at contiguous addresses that are under common ownership.

Sec. 82.002. DESIGNATION OF COMMON AREA. (a) Notwithstanding any other law, a person to whom this chapter applies may designate a common area where an alcoholic beverage may be transferred from any of the permitted or licensed premises located at the same address or a contiguous address under common ownership and sold, dispensed, or sampled for on-premise consumption under the same terms and conditions that apply to selling, dispensing, or sampling that alcoholic beverage for on-premise consumption at the transferring permitted or licensed

1 premises. The common area is not required to be located within an  
2 area covered by a permit or license.

3 (b) An alcoholic beverage that is not produced at a  
4 permitted or licensed premises where a designated common area is  
5 located may not be taken out of the designated common area by a  
6 customer.

7 Sec. 82.003. TRANSFER FROM INVENTORY; EXCISE TAX. (a)  
8 Alcoholic beverages transferred from the inventory of a permit or  
9 license into a designated common area described by Section 82.002  
10 must be removed from the inventory of the permit or license. The  
11 transfer must be documented by an invoice or statement showing the  
12 transfer date, quantity, container size, package, type, and brand  
13 label.

14 (b) Alcoholic beverages transferred to the designated  
15 common area are subject to excise tax and must be reported on the  
16 appropriate monthly excise tax report filed with the commission for  
17 the permit or license making the transfer.

18 (c) On a monthly basis, unopened excess inventory may be  
19 transferred from the designated common area described by Section  
20 82.002 back into the inventory of the permit or license from which  
21 it was originally transferred. The transfer back to the inventory  
22 of the originating permit or license must be documented by an  
23 invoice or statement showing the transfer date, quantity, container  
24 size, package, type, and brand label. The transfer of alcoholic  
25 beverages from the common area back to the inventory of the  
26 originating permit or license must be shown as a receipt on the  
27 appropriate monthly excise tax report filed with the commission by

1 the permit or license.

2 Sec. 82.004. SEPARATE RECORDS. Recordkeeping for the  
3 designated common area described by Section 82.002 must be kept  
4 separate for each permit or license held at the same address or at a  
5 contiguous address under common ownership.

6 Sec. 82.005. RULES. The commission may adopt rules  
7 necessary to implement this section, including rules establishing a  
8 procedure for designating a common area under Section 82.002.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2017.